

**From:** [REDACTED]  
**Sent:** Monday, September 13, 2021 4:09 PM EDT  
**To:** Kanger, Maria <mkanger@butler.edu>  
**CC:** Marybeth Sydor <MSydor@nmlplaw.com>; Andrew T. Miltenberg <AMiltenberg@nmlplaw.com>  
**Subject:** Re: Update on Your Case

Dear Maria,

I write in response to your Sept. 8, 2021 email regarding the postponement of the hearing that was scheduled for Sept. 2, 2021, in which the investigator at Butler selected for this case suddenly resigned, leaving me with only unfavorable options for pursuing resolution. As I indicated in previous emails, I traveled from Indiana to New York City in order to attend the hearing in a private space with my advisor. My mother traveled from Seattle to New York City to be my support. I was fully prepared for a hearing on the morning of Sept. 2nd during which my advisor would cross-examine the investigator's written summaries, i.e., *Kody Rother's statements*, and suddenly I was informed by Butler that this was no longer possible. Now, I am being asked to choose either a resolution process during which I won't be able to question perhaps the most important witness or an investigation "do-over" that will delay my eventual vindication throughout much of my junior year and leave me living under a cloud of suspicion until this is resolved.

Twice during the past six months I have proposed informal resolution and I was denied. Nevertheless, I am willing to agree to a discussion of informal resolution with you with my advisor present.

Sincerely,  
[REDACTED]

On Sep 8, 2021, at 3:55 PM, Kanger, Maria <mkanger@butler.edu> wrote:

[REDACTED]

I'm writing with an update on next steps in your case. I'm sorry that circumstances beyond our control created a sudden and unexpected need to postpone the hearing.

There are two primary options for next steps. The first option is to move forward with the hearing, acknowledging that the investigator will not be available for questioning due to circumstances beyond the University's control and agreeing that the investigation report can still be used by the decision-maker in determining responsibility. If this option is chosen, we will work to reschedule the hearing as soon as possible. The second option is to pursue an informal resolution. This would mean that a hearing would not take place. If interested in an informal resolution, each party could talk with me about what that could look like and what they would want to be included.

In order to move forward with either of these options, both parties would need to consent. If there is not agreement from both parties on one of these options, then the matter would need to be re-investigated by an investigator who would be available for questioning at a hearing.

Please let me know what you would like to do by no later than **5pm on Tuesday, September 14**. If you have any questions, please let me know.

Thank you,  
Maria

**Maria Kanger**  
(she, her, hers)

**Title IX Coordinator**  
Butler University

Atherton 200  
317-940-6509

[www.butler.edu/sexual-misconduct](http://www.butler.edu/sexual-misconduct)

Twitter: [@ButlerTIXCoord](https://twitter.com/ButlerTIXCoord)

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